	Application No.	Applicant(s)
Notice of Allowability	10/003,538	HO ET AL.
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *1/3/2006*.

2. ☒ The allowed claim(s) is/are *2-5, 7-13 and 15-17*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *2/13/2006* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Justin Sauer on 2/13/2006.

The application has been amended as follows:

11. An article comprising:

a computer-readable signal-bearing medium including a software application;

the medium including an associated engraved signature, the engraved signature being initially blank such that the software application ~~can~~ is initially ~~be~~ used on one of a plurality of computer systems but once used on a computer system is authenticated for that particular computer system;

the medium further including an authentication program for authenticating the software application for use on the computer system;

during execution of the software application, the authentication program for reading the engraved signature and,

if the engraved signature is not blank then the authentication program performing the following:

retrieving the identifier from the computer system;

encrypting the identifier using an encryption method to obtain a computed

signature;

      comparing the computed signature to the engraved signature; and

      inhibiting execution of the software application if the computed signature

does not match the engraved signature; and

    if the engraved signature is blank, then performing the following:

      retrieving the identifier from the computer system;

      encrypting the identifier using the encryption method to obtain a computed .

signature; and

      storing the computed signature as the engraved signature thereby

generating the engraved signature at the computer system on which the software

application is being executed and authenticating the software application only for that

computer system.

16.   A method of authenticating a software application loaded on a computer system

having an identifier associated therewith, the software application including an

associated engraved signature, the engraved signature being initially blank such that

the software application can-is initially be used on one of a plurality of computer

systems but once used on a computer system is authenticated for that particular

computer system, the method comprising the steps of:

    during execution of the software application, reading the engraved signature;

    if the engraved signature is not blank, then performing the following:

      retrieving the identifier from the computer system;

encrypting the identifier using an encryption method to obtain a computed

signature;

comparing the computed signature to the engraved signature; and

inhibiting execution of the software application if the computed signature

does not match the engraved signature; and

if the engraved signature is blank, then performing the following:

retrieving the identifier from the computer system;

encrypting the identifier using the encryption method to obtain a computed

signature; and

storing the computed signature as the engraved signature thereby

generating the engraved signature at the computer system on which the software

application is being executed and authenticating the software application only for that

computer system.

17. A software protection system comprising:

a computer system having an identifier;

a software application loaded on said computer system and including an
associated engraved signature, the engraved signature being initially blank such that
the software application ~~can~~ is initially ~~be~~ used on one of a plurality of computer
systems but once used on a computer system is authenticated for that particular
computer system;

an authentication program executed by the computer system for authenticating
the software application, during execution, the authentication program reading the
engraved signature and;

if the engraved signature is not blank then performing the following:

retrieving the identifier from the computer system;

encrypting the identifier using an encryption method to obtain a computed
signature;

comparing the computed signature to the engraved signature; and

inhibiting execution of the software application if the computed signature does
not match the engraved signature; and

if the engraved signature is blank then performing the following:

retrieving the identifier from the computer system;

encrypting the identifier using an encryption method to obtain a computed
signature; and

storing the computed signature as the engraved signature thereby generating the

engraved signature at the computer system on which the software application is being

executed and authenticating the software application only for that computer system.

The following is an examiner's statement of reasons for allowance:

As per claims 11, 16 and 17 the closest prior art of record Folmsbee US 6,308,256 B1

and Hirsch US 5,276,738 taken either individually or in combination with other prior art

of record fails to teach or suggest providing a software application for use on a

computer system that requires an encrypted computer system identifier and if the

encrypted computer system identifier is not present, encrypting the identifier using an

encryption method to obtain a computed signature, storing the computed signature as a

computed signature thereby generating the computed signature at the computer system

on which the software application is being executed and authenticating the software

application only for that computer system.

The specific allowable feature, which distinguishes the present invention over the

prior art is that the software application is able to run on any computer system the first

time it is loaded onto the computer system and then it can only run on the specific

computer system it was initialized on without a computed signature. The normal

procedure is to acquire the encrypted signature/key prior to running a software

application or during its installation, to acquire the encrypted signature/key from another

party. The generation/acquiring of the encrypted signature/key external to the computer

system ensures that credit/remuneration is provided to the distributing parties.

Claims 12-13 and 15, 2-5 and 7-10 are respectively dependent upon Claims 11,

16 and 17 respectively and thus have all the limitations of claims 11, 16 and 17 and are

allowable for that reason.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. JP 2004171500 A, June 17, 2004, UNAUTHORIZED-USE

PREVENTION UNIT FOR SOFTWARE PROGRAM, TRANSMITS AUTHENTICATION

PASSWORD TO USER, BASED ON COMPUTER IDENTIFICATION INFORMATION

RECEIVED BY PROGRAM MANAGEMENT TRADERS.

CONTROLLING COPYRIGHT INFRINGEMENTS OF INTELLECTUAL

PROPERTY: THE CASE OF COMPUTER SOFTWARE- Part two, Malhotra, Yogesh,

Journal Of Systems Management v45n7 PP: 12-17, Jul 1994, ISSN: 0022-4839 JRNL
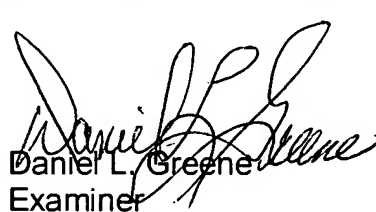
Code: JSM.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel L. Greene whose telephone number is 571-272-

6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

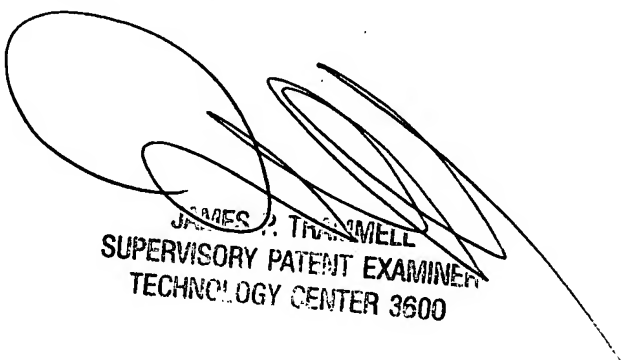supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

2/13/2006

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600